

AUG 15 2006

PATENT
Attorney Docket No.: SNS-010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Lu	CONFIRMATION NO.:	5222
SERIAL NO.:	09/821,509	GROUP NO.:	2614
FILING DATE:	March 29, 2001	EXAMINER:	Tieu, Benny Quoc
TITLE:	Method and System for Inhibiting Softswitch Overload		

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571)273-8300

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 C.F.R. 1.137(A)

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

- NOTE: A grantable petition requires the following items:
- (1) Petition fee;
 - (2) Reply and/or issue fee;
 - (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design application; and
 - (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Other than small entity-fee \$ 500.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted action in the form of Notice of Allowability has been filed previously on March 16, 2005.

B. The issue fee of \$1400 has been previously paid on December 2, 2005.

AUG 15 2006

Petition For Revival of an Application For Patent Abandoned
Unavoidably Under 37 C.F.R. 1.137(a)
Attorney Docket No.: SNS-010
U.S.S.N.: 09/821,509
Page 2 of 2

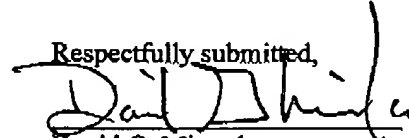
3. Terminal Disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

Date: August 15, 2006

Respectfully submitted,



David G. Miranda

Reg. No. 42,898

Attorney for the Applicant

Proskauer Rose LLP

One International Place

Boston, MA 02110

tel. (617) 526-9620

fax (617) 526-9899

Enclosures: ☒ Fee Transmittal
☐ Reply
☐ Terminal Disclaimer Form
☒ Additional sheets containing statement establishing unavoidable delay (2 pages)
☒ Other: Replacement Sheet (1 page), Notice of Allowability (1 page) and Supplemental Notice of Allowability (2 pages).

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, are being faxed to the Attn: Office of Petitions, U.S. Patent and Trademark Office at Facsimile No. (571) 273-8300 on this 15th day of August, 2006.


Jamie Crystal-Lowry

AUG 15 2006

PATENT
Attorney Docket No.: SNS-010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Lu CONFIRMATION NO.: 5222
SERIAL NO.: 09/821,509 GROUP NO.: 2614
FILING DATE: March 29, 2001 EXAMINER: Tieu, Benny Quoc
TITLE: Method and System for Inhibiting Softswitch Overload

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571)273-8300

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 C.F.R. 1.137(A)**

An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable is detailed below.

A Notice of Allowability was mailed on October 28, 2006. The Notice of Allowability stated that a "replacement sheet" was needed that included the amendments the Applicant made in the response dated March 16, 2005. Upon looking at the image file wrapper on-line at the USPTO using private PAIR, I saw that such a replacement sheet was filed and received at the USPTO (a copy is included with this response). Because I was now sure that the USPTO had in fact received the replacement sheet (e.g., it was not misplaced or separated when mailed), I had a prudent and reasonable belief that filing the drawing again was not necessary and I had complied with the Notice of Allowability. I proceeded to pay the issue fee of \$1400 for the above-referenced application on December 2, 2005. On March 28, 2006 a Notice of Abandonment was mailed to Applicant. I called Examiner Tieu the same day confirming the requirement for corrected figures was in error and the Abandonment was erroneous. I further communicated with Examiner Tieu several times between March 28, 2006 through May 9, 2006 to discuss and resolve the Notice of Abandonment. Examiner Tieu talked to his supervisor and stated he would fix the problem and that no further action from me was needed. After several requests, a Supplemental Notice of Allowability (a copy is enclosed) was faxed to Applicant on May 18, 2006 in which the Examiner stated Applicant did not need to submit corrected drawings since the drawings in the record were good and the previous Notice of Allowability was in error to require the corrected figures.

08/16/2006 MBINAS 00000016 503081 09821509

Petition For Revival of an Application For Patent Abandoned
Unavoidably Under 37 C.F.R. 1.137(a)
Attorney Docket No.: SNS-010
U.S.S.N.: 09/821,509
Page 4 of 4

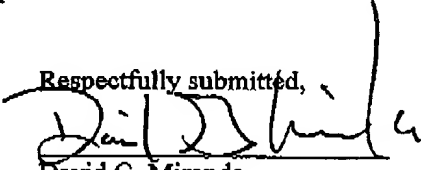
After a few days of monitoring the case in private PAIR and not seeing the abandoned status change, I believed at this time, more formal action than simply discussing this with the Examiner over the phone was needed. I filed a petition under 37 CFR §1.181 to withdraw the holding of abandonment. I received notice yesterday of the denial of that petition and am now immediately filing this petition under 37 CFR §1.137(a).

For the reasons asserted above, I assert the Application was unavoidably abandoned and respectfully request this Petition for Revival of an Application for Patent Abandoned Unavoidably under 37 C.F.R. 1.137(a) be granted.

Date: August 15, 2006

Attorney for the Applicant
Proskauer Rose LLP
One International Place
Boston, MA 02110
tel. (617) 526-9620
fax (617) 526-9899

Respectfully submitted,


David G. Miranda
Reg. No. 42,898

FEE TRANSMITTAL **FY 2006**

Complete if Known

Application Serial No.	09/821,509
Docket No.	SNS-010
Filing Date	March 29, 2001
First Named Inventor	Lu
Group No.	2614
Examiner Name	Tieu, Benny Quoc
Confirmation No.	5222

RECEIVED
CENTRAL FAX CENTER
AUG 15 2006

METHOD OF PAYMENT

- ☒ Payment Enclosed:
☐ Check ☐ Money Order ☒ Other
- ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 50-3081.
- ☒ Required Fees (copy of this sheet enclosed).
- ☒ Additional fee required under 37 CFR 1.16 and 1.17.
- ☒ Overpayment Credit.
- ☐ Applicant claims small entity status.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	Filing	Search	Examination	Fee Paid
Utility	300	500	200	
Design	200	100	130	
Plant	200	300	160	
Reissue	300	500	600	
Provisional	200	0	0	

Small Entity Discount

1. TOTAL **0**

2. EXCESS CLAIM FEES

	Fee	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent.	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent.	200	100
Total Claims	Extra Claims	Fee Paid (\$)

- 20 or HP= x \$ =

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee Paid (\$)
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- 3 or HP= x \$ =

HP = highest number of total claims paid for, if greater than 3

Multiple Dependent Claims	Fee(\$)	Small Entity fee (\$)	Fee Paid (\$)
	360	180	

2. TOTAL: **0**

3. APPLICATION SIZE FEE

If the specification and drawing exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Additional 50 or fraction thereof	Fee (\$)	Fee Paid
-100=	0	/50=	round up to a whole number x	= 0.00

3. TOTAL: **0**

CORRESPONDENCE ADDRESS

Direct all correspondence to:
 Patent Administrator
 Proskauer Rose LLP
 One International Place
 Boston, MA 02110
 Tel. No.: (617) 526-9600
 Fax No.: (617) 526-9899

FEE CALCULATION (continued)

4. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte re-examination	
120	60	Extension for reply within 1 st mo.	
450	225	Extension for reply within 2 nd mo.	
1,020	510	Extension for reply within 3 rd mo.	
1,590	795	Extension for reply within 4 th mo.	
2,160	1,080	Extension for reply within 5 th mo.	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1,000	500	Request for oral hearing	
400	0	Petitions to the Director	
180	180	Submission of IDS	
790	395	Filing a submission after final rejection (37 CFR 1.129(a))	
790	395	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
130	65	Submission of Terminal Disclaimer	

Other fee (Specify) Petition for revival of an application for patent abandoned unavoidably under 37 C.F.R. 1.137(a) **500**

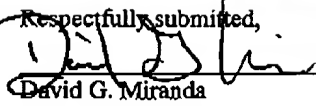
4. TOTAL: **500**

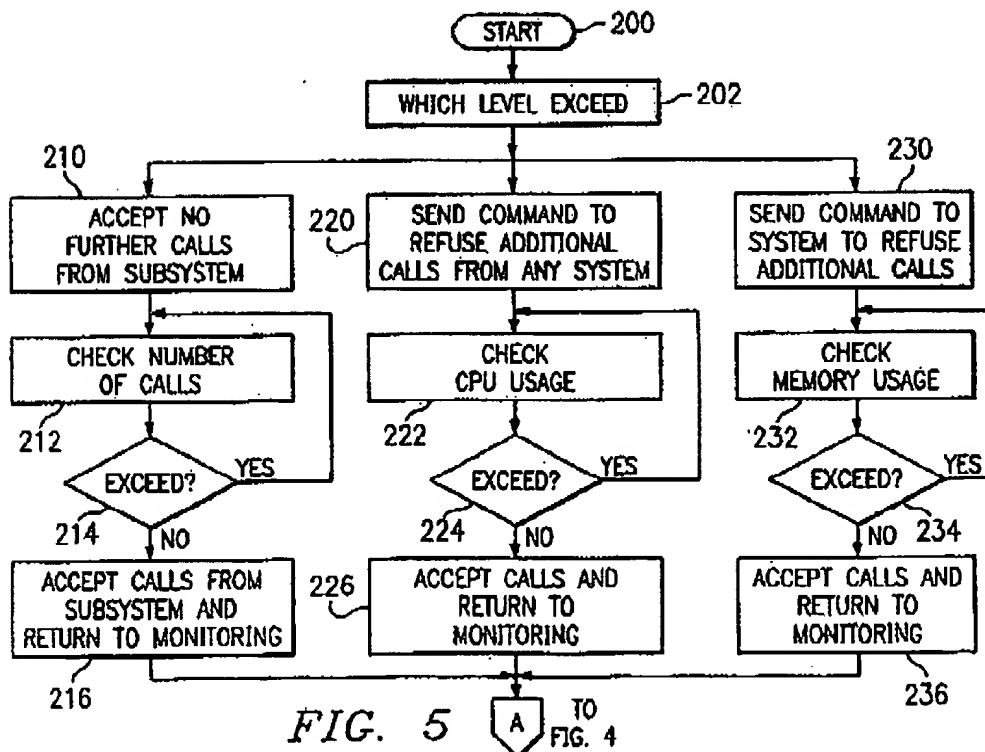
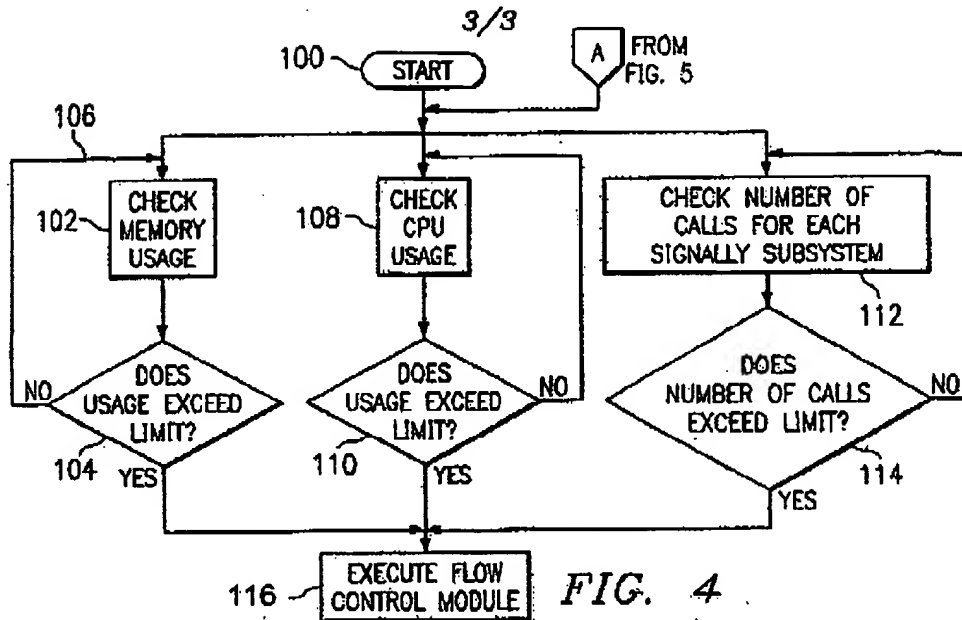
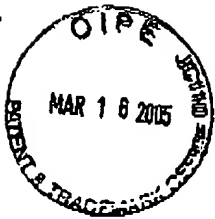
TOTAL AMOUNT SUBMITTED

(\$ 500.00)

SIGNATURE BLOCK

Date: August 15, 2006
 Reg. No.: 42,898
 Tel. No.: (617) 526-9620
 Fax No.: (617) 526-9899

Respectfully submitted,

 David G. Miranda
 Attorney for the Applicant(s)
 Proskauer Rose LLP
 One International Place
 Boston, MA 02110-2600



Notice of Allowability

Application No.

09/821,509

Applicant(s)

LU, JAMES J.

Examiner

Benny Q. Tieu

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed Sept. 9, 2005.
2. ☒ The allowed claim(s) is/are 2, 6-13, 15, 16, 20, 21, and 27-33 (renumbered as 1-20, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
(b) ☒ including changes ^{submitted by Applicant on} required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 3/16/5.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Benny Q. Tieu
Benny Q. Tieu
Primary Examiner
Art Unit: 2642

AUG 15 2006

Supplemental Notice of Allowability	Application No.	Applicant(s)	
	09/821,509	LU, JAMES J.	
	Examiner	Art Unit	
	Benny Q. Tieu	2814	

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* Certified copies not received: _____.

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 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
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6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet

updated database
NO DOCKETING NECESSARY

Administrator OM Date 5/20/06

REVIEWED & APPROVED

Resp. Atty _____ Date _____

PROSKAUER ROSE LLP

Benny Q. Tieu
Benny Q. Tieu
Primary Examiner
Art Unit: 2814

Continuation Sheet (PTOL-37)

Application No. 09/821,509

Continuation of Attachment(s) 9. Other: Applicant does not need to submit corrected drawings since the drawings in record is good and the previous Notice of Allowability was in error to require the corrected drawings.